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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,236	08/20/2003	Donald J. Stavely	200311589-1	7165

22879 7590 11/27/2006

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EXAMINER

PRABHAKHER, PRITHAM DAVID

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,236

Applicant(s)

STAVELY ET AL.

Examiner

Pritham Prabhakher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15, 18, 21-25, 28-32, 36-38 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 16, 17, 19, 20, 26, 27, 33-35, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/22/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,6-15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaarala (US Patent No.: 7134078B2).

*In regard to **Claim 1**, Vaarala teaches of a photography system, comprising:*

*a) a remote control that casts a light spot on a photographic subject (User device 1 (remote control) is provided with a pointer device (4) that produces a laser light on the image to be photographed (10 in Figure 2), **See Figure 2, Column 4, Lines 5-6 and Column 5, Lines 8-10**); and*

b) a digital camera having a field of view, which digital camera can detect in its field of view the position of the light spot, and which digital camera selects a region from its field of view to photograph based on the detected position of the light spot (The camera means 5 can be used to track the location (region of field of view) of the spot

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(position of light spot) provided by means of the pointer device 4 relative to the image 11 (overall field of view), **Column 4, Lines 28-31**).

With regard to **Claim 6**, Vaarala teaches of the photography system of claim 1 wherein the remote control casts the light spot on the photographic subject using a laser (The pointer device is a laser pointer, **Column 4, Lines 5-6**).

In regard to **Claim 7**, the reference teaches of the photography system of claim 1 wherein the light spot is cast on the photographic subject intermittently (The laser pointer is flashed in a pattern intermittently, **Column 5, Lines 45-50**).

With regard to **Claim 8**, Vaarala teaches of the photography system of claim 7 wherein the digital camera detects the position of the light spot by detecting a change in state of the light spot between successive digital images (The camera (detection means) detects information associated with the motion of the light spot. Therefore, when the light spot is moved from one image to the next, the camera detects a motion (change in location) of the light spot, **Column 4, Lines 29-33**).

In regard to **Claim 9**, the reference teaches of the photography system of claim 1 wherein the light spot is absent during the taking of a final photograph (During the taking of the photograph, the user can let go of the button that controls the laser pointer so that it is absent during the taking of the final photograph).

Regarding **Claim 10**, the Vaarala reference teaches of the photography system of claim 1 wherein the digital camera preferentially focuses on subjects in the vicinity of the light spot (The reference teaches that the camera tracks/focuses on the location of the light spot which is on the preferred image, **Column 4, Lines 28-36**).

*With regard to **Claim 11**, Vaarala teaches of the photography system of claim 1 wherein the light spot is used to signal the digital camera to perform at least one other function in addition to selecting a region to photograph (In addition to indicating the region to be photographed, the laser light spot can have a predetermined flash pattern to indicate a desired control operation of the camera, **Column 5, Lines 45-47**).*

*In regard to **Claim 12**, the reference teaches of the photography system of claim 11 wherein the light spot is used to signal the camera to take a final photograph (The pointer points to a specific object (selected out of the field of view) on the screen (field of view), and this signals the camera to take a picture of the screen, **Column 4, Lines 52-55**).*

*With regard to **Claim 13**, the reference teaches of the photography system of claim 12 wherein an identifiable flashing pattern of the light spot is used to signal the camera to take a final photograph (A predefined flashing pattern of the light spot may be used for a desired control operation such as signaling the camera to take a final photograph, **Column 5, Lines 44-47**).*

*In regard to **Claim 14**, the Vaarala reference teaches of the photography system of claim 1 wherein the digital camera is capable of making video recordings (The camera is used for imaging (video recording), **Column 4, Line 29**).*

*Regarding **Claim 15**, the reference teaches of the photography system of claim 14 wherein the digital camera re-selects the region to photograph as the light spot moves during recording (The camera tracks the location of the laser spot in motion,*

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Column 4, Lines 29-33. As a result, a new region will be selected (re-selected) for photographing).

With regard to **Claim 21**, the reference teaches of the photography system of claim 1 wherein the position of the selected region is affected by motions of the light spot (When the light spot moves to a different region on the image, the position of the selected region will also inherently change).

With regard to **Claim 23**, Vaarala teaches of a method of photography, comprising the steps of:

- a) detecting, in a field of view of a digital camera, a position of a light spot cast on a photographic subject by a remote control; and
- b) automatically selecting, based on the position of the light spot, a region from the camera's field of view to photograph.

(User device 1 (remote control) is provided with a pointer device (4) that produces a laser light on the image to be photographed (10 in Figure 2), **See Figure 2, Column 4, Lines 5-6 and Column 5, Lines 8-10.** The camera means 5 can be used to track the location (region of field of view) of the spot (position of light spot) provided by means of the pointer device 4 relative to the image 11 (overall field of view), **Column 4, Lines 28-31).**

Regarding **Claim 28**, the reference teaches of the method of claim 23 wherein the light spot is cast on the photographic subject using a laser (The pointer device is a laser pointer, **Column 4, Lines 5-6).**

With regard to **Claim 29**, the Vaarala reference teaches of the method of claim 23 wherein detecting the position of the light spot further comprises:

a) casting the light spot on the photographic subject intermittently (The laser pointer is flashed in a pattern intermittently, **Column 5, Lines 45-50**); and

b) detecting changes in the state of the light spot by comparing successive digital images taken by the digital camera (The camera (detection means) detects information associated with the motion of the light spot. Therefore, when the light spot is moved from one image to the next, the camera detects a motion (change in location) of the light spot, **Column 4, Lines 29-33**).

Regarding **Claim 30**, the reference teaches of the method of claim 23, further comprising controlling at least one camera function, in addition to selecting a region to photograph, in response to the light spot (In addition to indicating the region to be photographed, the laser light spot can have a predetermined flash pattern to indicate a desired control operation of the camera, **Column 5, Lines 45-47**).

In regard to **Claim 31**, the reference teaches of the method of claim 30, further comprising signaling, using the light spot, the camera to take a final photograph (The pointer points to a specific object (selected out of the field of view) on the screen (field of view), and this signals the camera to take a picture of the screen, **Column 4, Lines 52-55**).

With regard to **Claim 32**, the reference teaches of the method of claim 31, wherein signaling, using the light spot, the camera to take a final photograph, comprises flashing the light spot in a recognizable pattern (A predefined flashing pattern of the light

*spot may be used for a desired control operation such as signaling the camera to take a final photograph, **Column 5, Lines 44-47**).*

*Regarding **Claim 36**, the reference teaches of the method of claim 23, further comprising making a video recording of the selected region (The camera is used for imaging (video recording), **Column 4, Line 29**).*

*In regard to **Claim 37**, the Vaarala reference teaches of the method of claim 36, further comprising repositioning the selected region when the light spot moves within the field of view of the digital camera (The camera tracks the location of the laser spot in motion, **Column 4, Lines 29-33**. As a result, a new region will be selected (repositioned) for photographing).*

*With regard to **Claim 38**, the reference teaches of the method of claim 23, further comprising preferentially focusing on subjects in the vicinity of the light spot (The reference teaches that the camera tracks/focuses on the location of the light spot which is on the preferred image, **Column 4, Lines 28-36**).*

*Regarding **Claim 41**, Vaarala teaches of the method of claim 23, further comprising determining the location of the selected region based on motions of the light spot (When the light spot moves to a different region on the image, the position of the selected region will also inherently change).*

*With regard to **Claim 43**, Vaarala teaches of a photography system, comprising:*

a) means for detecting, in a field of view of a digital camera, the position of a light spot cast on a photographic subject using a remote control; and

b) means for digitally framing a photograph based on the detected position of the light spot.

*(User device 1 (remote control) is provided with a pointer device (4) that produces a laser light on the image to be photographed (10 in Figure 2), **See Figure 2, Column 4, Lines 5-6 and Column 5, Lines 8-10.** The camera means 5 can be used to track the location (region of field of view) of the spot (position of light spot) provided by means of the pointer device 4 relative to the image 11 (overall field of view), **Column 4, Lines 28-31.** The camera captures (frames) the selected image (12 in Figure 1) that is within the field of view of the spot from the pointer device).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,18,22,24,25 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaarala (US Patent No.: 7134078B2)

*With regard to **Claims 2,3,18, 24, 25** Vaarala teaches of the photography system of claim 1 wherein the digital camera detects the position of the light spot (The camera tracks the position of the light spot, **Column 4, Lines 29-31**). Vaarala also teaches of*

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the photography system of claim 1 wherein the selected region is of a predetermined size (See selected region 12 in Figure 1), and that the selected region is within the camera's field of view so that it can be captured. However, Vaarala does not specifically teach that the digital camera centers the selected region on the detected position of the light spot.

Although the Vaarala reference does not teach of the camera centering the selected region on the detected position of the light spot, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the camera center the selected region around the light spot, because this would give the best field of view to the image. If no centering is performed on selected image 12 in Figure 1, a lot of the field of view of the image could potentially be lost.

*Regarding **Claims 22 and 42**, Vaarala teaches of zooming in and out of the selected image in order to enlarge or reduce the size of the image (**Column 3, Lines 61-62**). However, Vaarala does not teach of the photography system of claim 1 wherein the digital camera comprises the optical zoom function, and wherein the digital camera improves a resolution of the selected region using the optical zoom function. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate optical zoom into a camera to improve resolution, because with optical zoom the user can accomplish a more desired field of view by moving the lens closer or further from the object being photographed.*

Allowable Subject Matter

Claims 4,5,16,17,19, 20, 26,27,33,34,35,39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pritham Prabhakher whose telephone number is 571-270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Pritham .D. Prabhakher

A handwritten signature in black ink, appearing to read 'David Ometz', with a stylized, flowing script.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER